

# Audit Report

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**Bureau of Corrections**

**Work Release Program**

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Office of the County Auditor  
Baltimore County, Maryland  
March 2003

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BALTIMORE COUNTY, MARYLAND  
OFFICE OF THE COUNTY AUDITOR

BRIAN J. ROWE, CPA  
COUNTY AUDITOR

COURTHOUSE - ROOM 221  
TOWSON, MARYLAND 21204  
410-887-3193  
410-887-4621 (Fax)

MARY P. ALLEN, CPA  
DEPUTY COUNTY AUDITOR

March 24, 2003

Honorable Members of the County Council  
Honorable James T. Smith, Jr., County Executive  
Baltimore County, Maryland

Gentlemen:

We audited the Baltimore County Work Release Program administered by the Bureau of Corrections for the period beginning July 1, 1999 and ending November 27, 2001.

The Bureau administers the Work Release Program as part of its Community Corrections Program, allowing eligible inmates to work outside the detention center. During the audit period, 1,446 inmates participated in the Work Release Program, with up to 80 inmates participating in the Program on any given day. The Program is administered at the Courthouse Court Facility (CCF) in Towson. All work release inmates are required to surrender their earnings to the Bureau from which Detention Center fees and other expenses are deducted. During the audit period, inmate earnings totaling approximately \$1.6 million were collected and deposited into a bank account maintained by the Bureau; disbursements from the account totaled approximately \$1.7 million (the account balance immediately preceding the audit period was approximately \$160,000).

Our audit disclosed that Program guidelines for determining inmate eligibility for work release did not require consideration of an inmate's complete criminal history. Consequently, the Bureau lacked assurance that inmates were thoroughly and properly evaluated for the Work Release Program. Additionally, work release time for several inmates was not adequately accounted for and tests for alcohol were either not administered consistently or were not administered at all. Finally, we noted that formal written policies and procedures did not reflect actual practices and internal control over inmate funds was inadequate.

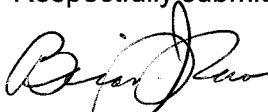
A response to our findings from the Bureau of Corrections is included as Appendix A to this report.



Our audit reports and responses thereto are available to the public and may be obtained by contacting the Office of the County Auditor, 400 Washington Avenue, Towson, Maryland, 21204, or by accessing our Office Web page from the County's Web site at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info).

We wish to express our appreciation to the Bureau of Corrections for the cooperation and assistance extended to us during our audit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian J. Rowe". The signature is fluid and cursive, with the first name "Brian" being more prominent than the last name "Rowe".

Brian J. Rowe, CPA  
County Auditor

## **Background Information**

The Baltimore County Bureau of Corrections administers a Work Release Program as part of its Community Corrections Program, allowing eligible inmates to work outside the Detention Center. An inmate may be recommended for the Program by the judiciary when committed to the Bureau or while the inmate is on pre-trial or pre-sentencing status. However, the final decision to allow an inmate on work release rests with the Bureau. The Bureau evaluates an inmate's suitability for the Program based on information gathered during the admission process, including a criminal records check and other sources of information such as an inmate's institutional adjustment and behavioral history.

Work release inmates are housed at the Courthouse Court Facility (CCF) in Towson. The CCF is comprised of the old warden's house, a jail building, and five modular trailers. There are up to 80 inmates, including male and female inmates, in the Work Release Program on any given day. During the audit period 1,446 inmates participated in the Program.

Employment may be arranged by the work release inmates or the Bureau. The Bureau approves the inmate's work schedule and establishes commute times based on employer location and the inmate's mode of transportation. Inmates are generally allowed out of the facility for a total of 12 hours each workday. Correctional officers maintain daily time logs to ensure that inmates are complying with authorized work release schedules. Inmates are subject to search at any time and must submit to alcohol breathalyzer and urinalysis testing upon returning to the facility at the discretion of the officer or supervisor on duty.

All work release inmates are required to surrender their earnings to the Bureau. Inmate funds are deposited into a non-interest-bearing checking account maintained for the Work Release Program and a separate accounting is maintained for each inmate. Detention Center fees and other expenses (e.g., board, lab test, child support) are deducted from each inmate's account in accordance with Program policies and the Court Order recommending the inmate for the Program. During the audit period, inmate earnings totaling approximately \$1.64 million were deposited into the checking account maintained by the Bureau and funds totaling approximately \$1.71 million were disbursed from the account (the account balance immediately preceding the audit period was approximately \$160,000).

The Maryland Commission on Correctional Standards routinely audits the Bureau using the Minimum Standards for Adult Detention Centers. A Compliance Plan is developed to address any non-compliance with the standards. The most recent audit of the Bureau was completed in June 2001 and a final report was issued August 1, 2001. Although the report identified six areas of non-compliance, the report stated that the facility was in compliance with most of the standards for Adult Detention Centers. None of the six compliance deficiencies cited in the report pertained to the Work Release Program.

## Findings and Recommendations

### Eligibility Guidelines

1. **Adopted program guidelines for determining inmate eligibility for work release did not require consideration of an inmate's complete criminal history.**

In order to participate in the Work Release Program, an inmate must meet certain eligibility guidelines established by the Bureau. Generally, these guidelines provide that, in order to be eligible for work release, the inmate:

- may have no detainers or additional open charges;
- must be within six months of a definite release date if incarcerated for a crime of violence;
- must have demonstrated satisfactory behavior and work performance while incarcerated and agrees to abide by Program rules, terms and conditions;
- must be in good general physical and mental health and may not be suicidal, homicidal, or have chronic major mental illness, bizarre, impulsive or uncontrolled behavior, or poor institutional behavior;
- may not have served four or more major adult incarcerations (i.e., sentenced to minimum of one year) and the most recent being served within the last five years;
- may not have served or be serving a sentence for a sexual offense including child molestation, child sexual abuse, or physical child abuse;
- may not have been convicted of a crime while on work release within the last five years; and,
- may not be deemed by the Administration to be a risk to public safety.

However, our review disclosed that the established Program guidelines for determining inmate eligibility did not require consideration of an inmate's complete criminal history. Specifically, Program guidelines did not require that an inmate's total criminal record, including prior convictions resulting in sentences of less than one year (except in certain instances as noted above) as well as the number and nature of arrests be considered when evaluating the inmate's eligibility for work release. Consequently, the Bureau lacked assurance that inmates were thoroughly and properly evaluated for the Work Release Program.

**To help ensure that inmates are thoroughly and properly evaluated for work release, we recommend that adopted Program guidelines require an inmate's total criminal record, including convictions resulting in incarceration for less than one year and the number and nature of arrests be considered in conjunction with all other eligibility criteria when evaluating an inmate's eligibility for work release.**

## **Work Schedules**

### **2a. Inmate work release work schedules were not properly maintained and reasons for deviation from authorized work schedules were not always documented.**

Work Release Program policies and procedures state that "...Officers shall maintain proper records of the inmates' departure and return from employment..." to ensure that inmates on work release are complying with authorized work schedules. However, our audit disclosed that records of inmate departure and return times (time logs) were not properly maintained and frequently did not document that deviations from authorized work schedules were investigated or resolved. Specifically, our review of 20 inmate records covering a total of 736 workdays disclosed:

- 15 instances in which reasons for deviations from authorized work release schedules (i.e., returning more than 1 hour late without prior approval) were not properly documented. In six of these instances, inmates returned over two hours late to the CCF facility;
- 44 instances in which work release time logs for one inmate were not properly completed and verified to authorized work release schedules;
- 28 instances in which work release inmates who were scheduled to be out on work release did not appear on the work release time logs; and,
- 1 instance in which an inmate was signed back into the facility although the inmate had walked off from the work release program.

**We recommend that inmate work release time logs be properly maintained and that deviations from authorized work release schedules be thoroughly investigated, resolved and documented.**

### **2b. Work release schedules were not always reconciled to the actual hours worked as reflected in the inmate's payroll records.**

The Bureau maintains inmate time logs to document actual work release time, including hours worked, travel time and lunch breaks. Inmates are required to work full time (i.e., 30hrs/wk minimum) to remain eligible for the Program. However, our audit disclosed that the Bureau did not compare the scheduled work hours to actual hours reflected on the inmates' payroll records. In this regard, we noted numerous instances in which the inmates' pay records did not agree with the inmates' scheduled work hours. Specifically, our test of the records for 20 inmates with a total of 5,503 scheduled work hours disclosed that approximately 279 estimated work hours (5%) were not supported by the inmates' payroll records. For example, 133 scheduled work hours for one inmate over a ten-week period were not supported by the inmate's pay records, including 90 hours during one two-week period for which no payroll record was provided. There was no documentation that these discrepancies were investigated and resolved.

**We recommend that the Bureau reconcile the actual work hours as recorded on inmates' payroll records to the scheduled work hours. All discrepancies should be promptly**

**investigated, resolved and documented.**

**2c. Guidelines to determine the appropriate amount of travel time for inmates on work release had not been established.**

Work release inmates are allowed travel time to and from work depending on the place of employment and mode of transportation. Program rules and regulations state that “Inmates are generally only allowed out of the building for a total of 12 hours a day unless approved by the Deputy Administrator.” However, our audit disclosed that formal written guidelines for determining appropriate travel times had not been established. Consequently, there was no assurance that travel times were appropriate or consistently applied. For example, our review of inmate records for 20 inmates disclosed that 13 (65%) of the inmates were authorized out of the facility for more than 12 hours each workday. Travel times for the 20 inmates ranged from 15 minutes to 3¾ hours one way, providing certain inmates with up to 6¼ hours each day to travel to and from work. For example, two inmates who relied on public transportation were allowed 3¾ hours to return from work.

**We recommend that the Bureau develop specific guidelines to determine the appropriate amount of travel time for Work Release Program inmates to commute to and from their place of employment.**

## **Alcohol Testing**

**3a. Preliminary breathalyzer tests for alcohol were not always administered to inmates upon returning from work release.**

Program policies and procedures state that, “All inmates are forbidden to use or have in their possession any alcoholic beverages...” and...“shall submit to...alcohol breath testing at the discretion of the officer or supervisor on duty.” As a matter of administrative practice, all male work release inmates are given a daily preliminary breathalyzer test (PBT) for alcohol upon their return from work. If the test is positive, a urinalysis is performed. If the results of the urinalysis are positive, the inmate is terminated from the Program. However, our audit disclosed that daily preliminary breathalyzer tests were not always administered to male inmates in the Work Release Program. Specifically, from July 1, 1999 to November 27, 2001, there were 6,803 instances in which preliminary breathalyzer tests were not administered to inmates, of which 6,659 instances were attributable to the Bureau's PBT machine (breathalyzer) being inoperable and 144 instances of tests not administered due to power outages, lack of testing supplies, or maintenance needs of the PBT machine. Additionally, we noted 649 instances in which test results were not recorded on breath alcohol screening logs (providing no evidence that tests were administered). Further, we noted that preliminary breathalyzer tests were not administered to female inmates. Failure to



consistently administer preliminary breath tests inhibited the Bureau's ability to prevent and detect instances of inmates violating Program policies prohibiting the use of alcohol.

**To help ensure that all inmates in the Work Release Program comply with Program policies prohibiting the use of alcohol, we recommend that preliminary breathalyzer tests be routinely administered and documented for all work release inmates. We further recommend that the Bureau ensure that a sufficient number of breathalyzer units and supplies are on hand and available for use at all times.**

**3b. Urinalysis tests were not administered timely to confirm the use of alcohol by work release inmates.**

Inmates returning from work release who test positive for alcohol use based on a preliminary breathalyzer test are required to submit to a urinalysis test to confirm the presence of alcohol. If the urinalysis test confirms the presence of alcohol, the inmate is removed from the Work Release Program. During the audit period, 65 inmates on work release tested positive for alcohol based on a preliminary breathalyzer test, registering blood-alcohol levels of up to .29 (more than 14 times the allowable level of .019 or less). However, our review disclosed that inmates who tested positive for alcohol were not always removed from the Program because urinalysis tests to confirm the presence of alcohol were not administered timely. Specifically, we noted that 9 inmates (14%) who registered blood- alcohol levels ranging from .02 to .066 based on preliminary breathalyzer tests were not removed from the Program because the urinalysis test was not administered timely to confirm the presence of alcohol. For example, we noted one instance in which an inmate registered a blood-alcohol level of .044 based on a preliminary breathalyzer test but was not removed from the Program because a urinalysis test to confirm the presence of alcohol was not administered until almost 13 hours later. We further noted that inmates who could not provide a urine sample upon returning to the facility were placed in a holding area and allowed up to eight hours to provide the necessary sample. However, this time delay allowed blood-alcohol levels to dissipate, resulting in inaccurate urinalysis tests.

**To ensure that inmates comply with Program policies prohibiting the use of alcohol, we recommend that the Bureau administer urinalysis tests promptly after inmates register positive for alcohol use based on a preliminary breathalyzer test. Inmates who are unable to provide a sample within a reasonable time of failing a preliminary breath test (to ensure an accurate reading) should be considered as having refused testing and removed from the Program.**

## **Program Policies and Procedures**

**4. Adopted Program policies and procedures did not reflect current practices.**

In accordance with State law, the Bureau has adopted formal written policies and procedures outlining eligibility criteria for the Work Release Program as well as specific rules and regulations concerning the operations of the Program. However, our audit disclosed that the Bureau's most recently approved policies and procedures (adopted in July 1997) did not reflect current practices. For example,

according to the adopted policies and procedures as amended, an inmate who is serving his/her fourth or subsequent major adult incarceration (defined as a sentence of six months or more) in a state or federal correctional system is deemed ineligible for the Program. However, in practice, the Bureau only disqualified inmates who served four or more major adult incarcerations (defined as a sentence of one year or more) if the most recent incarceration was within the last five years. Consequently, there was no assurance that the Work Release Program was being administered in compliance with approved policies and procedures or that program guidelines were consistently applied.

**To help ensure consistent application of approved Program policies and procedures, including eligibility criteria, we recommend that the Bureau comply with its formal written policies and procedures and that the policies and procedures be maintained on a current basis.**

## **Inmate Funds**

### **5a. Internal control over inmate funds was inadequate.**

During our audit period, inmate funds collected by the Bureau totaled approximately \$1.64 million. Our review of the Bureau's cash receipt procedures disclosed that internal control was inadequate. Specifically, the employee who received inmate funds also maintained the inmate accounting records, reconciled the account activity to amounts deposited, and had unlimited and unrestricted access to the check signature stamp. This situation precluded effective internal control since errors or fraud could occur without detection.

**To improve internal control, we recommend that the employee who receives inmate funds not be responsible for maintaining the inmate accounting records and reconciling the account activity to amounts deposited. We further recommend that access to the check signature stamp be restricted to authorized personnel. We advised the Bureau how to accomplish the needed separation of duties utilizing existing personnel.**

### **5b. Outstanding checks were not investigated and resolved.**

The Bureau routinely disburses funds from the Program's checking account to provide inmates with expense money, to return funds to inmates no longer in the Program, and to make payments on behalf of inmates for board fees (payable to the County), lab fees, child support, etc. Our audit disclosed that as of November 27, 2001, 17 checks totaling approximately \$1,100 were outstanding for at least 109 days with one check being more than 5-years old. While most checks represented payouts to inmates no longer in the Program, several checks were payable to the Office of the Public Defender and one check was payable to the Baltimore County Detention Center. This situation precluded effective internal control over cash disbursements since outstanding checks can be used to conceal a cash shortage.

**To improve internal control, we recommend that checks outstanding for more than 90 days be promptly investigated and resolved by an employee independent of the cash receipt and disbursement function.**

## **Audit Scope, Objectives and Methodology**

We audited the procedures and controls for the Work Release Program administered by the Bureau of Corrections for the period beginning July 1, 1999 and ending November 27, 2001. The audit was conducted in accordance with generally accepted government auditing standards.

As prescribed by the Baltimore County Charter, Section 311, the objectives of our audit were to evaluate the Program's fiscal activities, including the internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. In planning and conducting our audit, we primarily focused on compliance with applicable County guidelines and procedures based on assessments of materiality and risk.

Our audit procedures included inquiries of appropriate personnel, the judiciary and surrounding local jurisdictions, inspection of documents and records, and observation of the Program's operations. We also performed other auditing procedures, as we considered necessary in the circumstances to achieve our objectives.

The Program's management is responsible for establishing and maintaining an internal control structure. The objectives of an internal control structure are to provide management with reasonable, but not absolute, assurance that assets are safeguarded and that transactions are processed and properly recorded in accordance with management's authorization. Because of inherent limitations in any internal control structure, errors or fraud may nevertheless occur and not be detected. Compliance with applicable laws, rules, regulations, policies, and procedures is also the responsibility of the Program's management.

Our reports on fiscal compliance are designed to assist the Baltimore County Council in exercising its legislative oversight function and to provide constructive recommendations for improving County operations. As a result, our reports do not address activities we reviewed that may be functioning properly.

This report includes findings and recommendations relating to conditions that we consider to be significant instances of noncompliance with applicable laws, rules, regulations, policies, and procedures. This report also includes findings and recommendations relating to deficiencies in the design or operation of the internal control structure that could adversely affect the Program's ability to safeguard assets or properly record authorized transactions

**Appendix A**  
**Bureau of Corrections' Response**



**Baltimore County  
Bureau of Corrections**

Administration Building  
Administrative Offices  
802 York Road  
Towson, Maryland 21204  
410-887-6536  
Fax: 410-887-4644

March 21, 2003

Mr. Brian J. Rowe  
County Auditor  
400 Washington Avenue  
Old Courthouse, Room 221  
Towson, MD 21204

Dear Mr. Rowe:

I am in receipt of your Work Release Program audit for the period July 1, 1999 through November 27, 2001. As you know, the audit was originally for the period July 1, 1999 through June 30, 2000. It was later expanded through November 27, 2001, which covered my first year of service with the Bureau as the Deputy Administrator.

I would like to thank you for the opportunity to include my comments with the release of your findings. As always, it is the intention of the Bureau to constantly seek input from other agencies in order to improve efficiencies.

Our comments are as follows:

**Eligibility Guidelines**

1. Adopted program guidelines for determining inmate eligibility for work release did not require consideration of an inmate's complete criminal history.

*Recommendation:* To help ensure that inmates are thoroughly and properly evaluated for work release, we recommend that adopted Program guidelines require an inmate's total criminal record, including convictions resulting in incarcerations for less than one year and the number and nature of arrests be considered in conjunction with all other eligibility criteria when evaluating an inmate's eligibility for work release.

*Response:* As we discussed, this recommendation is actually a statement of existing Bureau policy. The Bureau of Corrections Operations Manual Section 18.1, Community Corrections Program, requires "A criminal records check will be performed by the Classification Counselor...to determine if the inmate appears to be an acceptable risk for the Work Release Program." I can assure you that each and every criminal record check, including convictions and arrests, is carefully scrutinized with the utmost concern for public safety and our review process for determining eligibility is consistent with other local jurisdictions.

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



Printed with Soybean Ink  
on Recycled Paper

Brian J. Rowe  
March 21, 2003  
Page 2

The concern that the Operations Manual does not clearly explain the specific details of a criminal records check can be made clearer with a simple policy change that incorporates specific language.

Public safety is always paramount when determining eligibility. Our policies and procedures are consistent with other local jurisdictions and acceptable both to the Circuit Court of Baltimore County and the Maryland Commission on Correctional Standards (MCCS). Letters from Circuit Court Administrative Judge Turnbull and MCCS are attached for your review.

To satisfy the Auditor's concern that the Operations Manual is not completely descriptive of ongoing policies and procedures, we will consider including a definition of a criminal records check.



## The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF  
JOHN GRASON TURNBULL, II  
CIRCUIT ADMINISTRATIVE JUDGE AND  
COUNTY ADMINISTRATIVE JUDGE

March 21, 2003

COUNTY COURTS BUILDING  
TOWSON, MARYLAND 21204  
410-887-2647

Mr. James P. O'Neill  
Administrator  
Bureau of Corrections  
802 York Road  
Towson, MD 21204

Dear Mr. O'Neill:

Thank you for forwarding copies of the County Auditor's revised Work Release Program Audit and the Bureau of Correction response. At your request I have reviewed audit finding number one as well as your response and I completely agree with your position. If you wish, you may attach this letter to your response as an indication of the collective support of the Bench for the program.

We are pleased that you have consistently pursued open communication with the Bench and provide pertinent inmate and program information to help us make sound, informed decisions. This open dialogue is essential in allowing the Bench to evaluate appropriate sentencing alternatives, be it community service, work release, or incarceration, for convicted individuals.

I think our opinion of the Work Release Program was made very clear at the Bench meeting you attended last fall. Every judge expressed support for the program and was pleased with its current operation. Rest assured that if any Bureau program, including work release, posed possible breaches in public safety, we would have made our concerns known in that meeting.

Because of our familiarity with your operation, the Bench is confident that inmates are thoroughly and properly evaluated before being assigned to the Work Release Program.

Thank you for your commitment to this very effective program.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Grason Turnbull, II", is written over a horizontal line.

John Grason Turnbull, II



PARRIS N. GLENDENING  
GOVERNOR

CATHLEEN KENNEDY TOWNSEND  
LT. GOVERNOR



STUART O. SIMMS  
SECRETARY

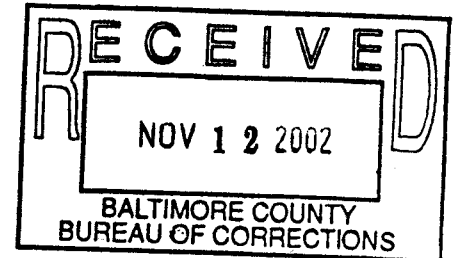
MARIE C. HENDERSON  
CHAIRPERSON

DONALD JONES  
EXECUTIVE DIRECTOR

STATE OF MARYLAND  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

115 SUDBROOK LANE, SUITE 200  
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November 8, 2002



The Honorable C.A. Dutch Ruppertsberger  
County Executive  
400 Washington Avenue  
Towson, Maryland 21204

Dear County Executive Ruppertsberger:

On behalf of Stuart O. Simms, Secretary of the Department of Public Safety and Correctional Services, Commission members and staff, please accept our congratulations for the attainment of 100% compliance by the Baltimore County Detention Center with the Minimum Standards for Adult Detention Centers. We will be contacting Director James O'Neill in the near future to establish a date and time to present the prestigious Recognition of Achievement award acknowledging the high level of operational excellence and professionalism exhibited by the staff of the facility.

In these times of fiscal austerity, litigation and system overload, it is all the more important that adult places of correctional confinement utilize sound correctional management principles as reflected in the standards to ensure public safety, inmate welfare and staff well being. We are pleased to note that the facility has shown a high degree of efficiency and effectiveness for which all directly or indirectly involved should feel a sense of pride and accomplishment.

Again, accept our thanks for a job well done and we look forward to working with you in the future to address matters of mutual concern to all. If we may ever be of assistance in any way, feel free to call on us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Marie".

Marie C. Henderson  
Chairperson

MCH:vj  
C: Executive Director Donald Jones  
Director James O'Neill

**Work Schedules**

2a. Inmate work release work schedules were not properly maintained and reasons for deviation from authorized work schedules were not always documented.

*Recommendation:* We recommend that work release time logs be properly maintained and that deviations from authorized work release schedules be thoroughly investigated, resolved and documented.

*Response:* In the year and a half since the end of the audit period, the form for recording work release participant movement has been revised and deviations are investigated with, at times, a program participant being removed from the program. For your information, I have attached a copy of the new form. Deviations from work schedules have always been investigated and resolved, however, the tracking of these investigations needed improvement.

2b. Work release schedules were not always reconciled to the actual hours worked as reflected in the inmate's payroll records.

*Recommendation:* We recommend that the Bureau reconcile the actual work hours as recorded on inmates' payroll records to the scheduled work hours. All discrepancies should be promptly investigated, resolved and documented.

*Response:* Again, in the past year and one half I believe we have put sufficient safeguards in place to ensure investigation of deviations between the work schedules and actual hours worked. Please note the individual cited in the audit as having 90 undocumented hours during a two work period is the direct result of the inmate being removed from the program for violating program policies. The 90 undocumented hours were not supported by a pay stub since the individual was removed from the program prior to receiving his paycheck. All paychecks and work hours are reconciled by the Work Release Counselors on a weekly basis, and any discrepancies result in the inmate being placed on hold until rectified.

2c. Guidelines to determine the appropriate amount of travel time for inmates on work release had not been established.

*Recommendation:* We recommend that the Bureau develop specific guidelines to determine the appropriate amount of travel time for Work Release Program inmates to commute to and from their place of employment.

*Response:* The Bureau has been fortunate to have veteran staff remain with the Work Release Program. They have extensive knowledge of the mass transit systems available to the work sites. Every participant works out an individual travel plan with his/her counselor before being allowed out to work. We will provide guidelines based on transit times in matrix form in new policies.



Baltimore County  
Bureau of Corrections

Administration Building  
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802 York Road  
Towson, Maryland 21204  
410-887-6536  
Fax: 410-887-4644

**BCIB 21-2002**

**May 13, 2002**

## **INFORMATION BULLETIN**

### **SUBJECT: WORK RELEASE - LATE RETURN LOG**

Attached is a copy of Form #133--*Work Release - Late Return Log*. This form is to be maintained on each shift by the Shift Commander or Sergeant. One form will be used for all three tours. The supervisor completing the form shall list any Work Release inmates who returned later than their scheduled return time according to Form #249--*Work Release Daily Sign-Out Log*. The reason given by the inmate for late return will be noted, along with follow-up action taken by the supervisor notified of the late return (such as attempts made to verify reason for lateness, placement on Administrative Hold, Incident or General Information Reports filed, etc.). The "Comment" section at the bottom of the page can be used to include further detail or note activity requiring additional action.

If there is no late activity on a given day, the form will be dated and "N/A" written in the "Comment" section. Upon completion of the form, the First Tour Shift Commander will forward the original to the Community Corrections Captain.

**By Order Of:**

A handwritten signature in cursive script, appearing to read "James O'Neill", written over a horizontal line.

**James O'Neill, Administrator**

#### **Distribution:**

Major, Captains, Lieutenants, Sergeants. Shift Captains will obtain sign-off sheets documenting receipt by all supervisors. Sign-off sheets will be returned to Lt. Swain by May 28, 2002.



# Work Release - Late Return Log

Day: \_\_\_\_\_ Date: \_\_\_\_\_

The following Work Release Inmates have returned to the Work Release Center at least 15 minutes late. Please investigate the reason for their lateness. Please document the reason for their lateness and the action taken.

Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				
Name	Jail #	Scheduled to Return	Time Returned	Minutes Late
Reason Given:				
Action Taken:				

Comments:

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**Alcohol Testing**

3a. Preliminary breathalyzer tests for alcohol were not always administered to inmates upon returning from work release.

*Recommendation:* To help ensure that all inmates in the Work Release Program comply with Program policies prohibiting the use of alcohol, we recommend preliminary breathalyzer tests be routinely administered and documented for all work release inmates. We further recommend that the Bureau ensure that a sufficient number of breathalyzer units and supplies are on hand and available for use at all times.

*Response:* As stated in your findings, the Bureau's policies and procedures do not require the testing of every individual but we strive to do so. In fact, during the second period of the audit the Bureau tested Program participants 99.4% of the time. I certainly consider that to be routine.

Over the two periods of the audit (July 1, 1999 – June 30, 2000 and July 1, 2000 – November 27, 2001) the Bureau experienced a significant decrease in missed breathalyzer tests. The recommendation states that the Bureau should ensure that a sufficient number of breathalyzer units and supplies are on hand and available for use at all times. The audit fails to mention that a replacement breathalyzer was included in the FY01 Executive's Submitted Budget and approved by the County Council (purchased during the second period of the audit). A second breathalyzer was purchased in the year and one half since the audit period. The chart below shows the significant improvement in breathalyzer testing between the two periods. I think it was an oversight that this improvement was not referenced in your audit.

	TOTAL INMATES TO BE TESTED	TOTAL INMATES TESTED	TOTAL INMATES NOT TESTED	% OF INMATES NOT TESTED
7/1/99 - 6/30/00	30,127	23,560	6,567	21.8%
7/1/00 - 11/27/01	40,407	40,171	236	0.6%
TOTAL	70,534	63,731	6,803	

3b. Urinalysis tests were not administered timely to confirm the use of alcohol by work release inmates.

*Recommendation:* To ensure that inmates comply with Program policies prohibiting the use of alcohol, we recommend that the Bureau administer urinalysis tests promptly after inmates register positive for alcohol use based on a preliminary breathalyzer test. Inmates who are unable to provide a sample within a reasonable time of failing a preliminary breath test (to ensure an accurate reading) should be considered as having refused testing and removed from the Program.

*Response:* The Bureau's attempts to promptly obtain urinalysis samples from participants registering positive alcohol usage with the breathalyzer are not always met willingly. Last year we implemented a policy that gave inmates with "shy bladders" two hours to provide a sample or be found in non-compliance with regulations. As such, I feel that this adjustment has solved this issue.

I would like to point out to you that two of the nine individuals cited by the audit were administered urinalysis tests within less than 2 hours of a breathalyzer test and tested negative for the presence of alcohol. A third participant was not removed from the program because the urinalysis test, although negative, was voided due to possible testing error. This inmate's original breathalyzer tests were borderline at .02 and .019.

#### **Program Policies and Procedures**

4. Adopted Program policies and procedures did not reflect current practice.

*Recommendation:* To help ensure consistent application of approved Program policies and procedures, including eligibility criteria, we recommend that the Bureau comply with its formal written policies and procedures and that the policies and procedures be maintained on a current basis.

*Response:* The Bureau is currently revising work release policies and procedures. Several months ago we met with the entire Circuit Court and the Administrative Judge of the District Court to solicit feedback on the work release criteria. We have been informed that both benches are satisfied with the current criteria and they have no recommendations.

#### **Inmate Funds**

5a. Internal control over inmate funds was inadequate.

*Recommendation:* To improve internal control, we recommend that the employee who receives inmate funds not be responsible for maintaining the inmate accounting records and reconciling the account amounts deposited. We further recommend that access to the check signature stamp be restricted to authorized personnel. We advised the Bureau how to accomplish the needed separation of duties utilizing existing staff.

*Response:* In the year and one half since the audit period the Bureau has revised its practices. All activity maintained on a daily basis by the individual identified is reconciled by the supervisor of the Financial Operations Unit. Any discrepancies are identified immediately. Further, the audit tested 7 areas involving inmate fund accounting and concluded that those functions were all being properly performed.

5b. Outstanding checks were not investigated and resolved.

*Recommendation:* To improve internal control, we recommend that checks outstanding for more than 90 days be promptly investigated and resolved by an employee independent of the cash receipt and disbursement function.

*Response:* In the year and one half since the audit period the Bureau has revised its practices. To enhance internal control the Bureau now voids all checks in its possession after 60 days. These checks are inmate funds from the inmate escrow account that were never picked up by the inmate upon release. All outstanding checks not in the Bureau's possession are handled in accordance with State law for the disposition of abandoned property. All checks are investigated on a case by case basis by the supervisor of the Financial Operations Unit based on amount. It is not prudent to use valuable staff time and resources investigating a check in the amount of \$1.00. Please note the five-year old check referenced in your audit was days from being sent to the State as abandoned property.

In conclusion, I would like to thank you and your staff for making some recommendations to make our program documentation more efficient. Successful Work Release programming increases public safety by monitoring appropriate inmates in the community learning the life skills that will allow them to become positive members of the community. The Baltimore County Work Release Program has always been a solid program, maintaining core correctional principles, and your recommendations will serve to make it stronger by adjusting some policies to reflect clearer documentation of program rules.

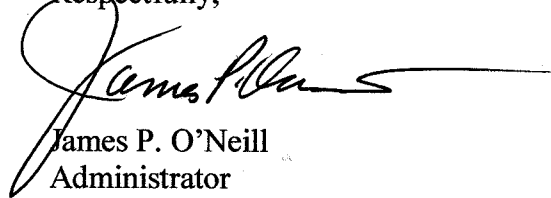
As you can see from the letter from Administrative Judge Turnbull, included in my eligibility guidelines response, we have made it a priority to increase our lines of communication with the bench. Due to the fact that a Judge and the Bureau must concur before anyone is put on Work Release, we have an excellent check and balance system that serves our citizens well.

Also, the Recognition of Achievement letter from the Maryland Commission on Correctional Standards shows that we are in compliance with 100% of the correctional standards promulgated by the well-respected Commission, which puts us in elite company in the field in Maryland. Bureau staff have been demonstrating a keen understanding of the importance of standards and documentation, and we will bring this same commitment to incorporating any pertinent items identified.

Brian J. Rowe  
March 21, 2003  
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Thank you for the opportunity to attach these comments to the audit. We take our public safety responsibilities very seriously in the Bureau and we look forward to continuing to find ways to better serve the citizens of Baltimore County.

Respectfully,

A handwritten signature in black ink, appearing to read "James P. O'Neill", with a long horizontal flourish extending to the right.

James P. O'Neill  
Administrator